

REMARKS

In the Official Action, the Examiner maintained his rejection of claims 1-5 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,717,609.

Although Applicants do not agree with the Examiner's assertions and maintain that the invention, as recited in the claims of the present application, are unobvious over the claimed subject matter of U.S. Patent 6,717,609, Applicants are nevertheless submitting herewith a terminal disclaimer in accordance with 37 C.F.R.1.321(c). Accordingly, as the filing of a terminal disclaimer renders the non-statutory type double patenting rejection moot, Applicants respectfully request withdrawal of the non-statutory double-patenting rejection, as well as passage of the present application to issue.

However, by the filing of the attached terminal disclaimer, neither Applicants nor the Assignee are in any way acquiescing in the propriety of the Examiner's double patenting rejection. As has been set forth previously, Applicants submit that there are adequate basis for overcoming the rejection but have chosen at this point in the prosecution to file the attached Terminal Disclaimer in order to obtain the allowance of the present application in an expeditious and prompt fashion.

Applicants further note that U.S. Patent No. 6,717,609 is assigned to PENTAX Corporation and the present application was assigned to Asahi Kogaku Kogyo Kabushiki Kaisha. However, together with the Terminal Disclaimer, Applicants are submitting a Notice of Name Change to record in the United

States Patent and Trademark Office that Asahi Kogaku Kogyo Kabushiki Kaisha is the same entity as PENTAX Corporation, and to thus clarify the commonality of assignment of the present application and of the above-noted patent.

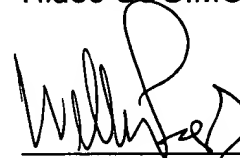
Thus, in view of the herein-contained remarks, Applicant submits that independent claims 1 and 5 are in condition for allowance. With regard to dependent claims 2-4, Applicants assert that they are allowable on their own merit, as well as because they depend either directly or indirectly from independent claim 1, which Applicants have shown to be allowable. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections, as well as an indication of the allowability of all claims in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the contained claims therein are respectfully requested and now believed to be appropriate and proper.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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